

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
Honolulu, Hawai'i

Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

FILE NO.: CDUA KA-3307
REF: OCCL: MC
Acceptance Date: April 21, 2006
180 Exp. Date: October 18, 2006

September 8, 2006

REGARDING: 500,000-Gallon Water Storage Tank and Site Improvements

APPLICANT: County of Kaua'i Department of Water
3498 Pua Loke Street, Līhu'e, HI 96766

AGENT: Glenn Koyama, Project Manager, Belt Collins Hawai'i Ltd.
2153 North King Street, Suite 200, Honolulu, HI 96819

LANDOWNER: State of Hawai'i Department of Land and Natural resources

LOCATION: Kapa'a Homesteads in Kawaihau, Kaua'i

TMK: (4) 4-6-03:10

AREA OF USE: 38,480 square feet

SUBZONE: Resource

DESCRIPTION OF AREA:

The project area is located in the Kawaihau District of Kaua'i, at the 510-foot elevation above the Kapa'a Homesteads area. The site is at the foothills of the Makaleha Mountains, near the existing Makaleha Tank. It is in the Resource Subzone of the State Land Use Conservation District. **Exhibit 1** shows the location of the parcel within the Conservation District.

The subject parcel is 6.6 acres; the proposed tank will occupy 38,480 square feet and sit at the 510' elevation mark. The parcel is owned by the State of Hawai'i, and is currently vacant. Awakea and Kahuna Roads provide access to the site.

Vegetation is sparse, and consists of heavy groundcover and isolated stands of invasive tree species such as Mullucan albizia, African tulip, and koa haole. The groundcover consists of

wedelia, California grass, thimbleberry, pothos vine, bamboo, and white ginger. None of these species are rare, endangered, or threatened.

During a site survey in July 2004 thirteen alien species of birds were observed, all of them common in urban and disturbed areas in the state. None were native or migratory. It is possible that the migratory Kōlea, a.k.a. Pacific golden plover, uses the area during the winter months. There is evidence that feral pigs, cats, and horses also use the area.

Makaleha and Moalepe Streams descend from the mountains and join near the subject parcel. There is no stream or water feature on the proposed project site. The parcel has an overall average grade of three percent.

There are no known archaeological sites on the property.

Nearby communities include the Kapa'a Homesteads, the inland homesteads of Wailua, and the coastal urban area of Wailua-Waipouli resort. This is the largest populated area on Kaua'i, with a total population of 16,000. Density continues to increase as agricultural lots are divided into residential parcels. The infrastructure of the area is not keeping pace with the area's growth. **Exhibit 2** shows the location of the project site in relation to Kapa'a Homesteads.

PROPOSED USE:

The Department of Water is proposing to construct a 0.5 million-gallon (MG) storage tank along with accessory facilities in order to supplement the existing 1.0-MG Makaleha tank. The project is designed to improve services to the Kapa'a community. The Department does not propose to develop a new water supply with this proposal.

The proposed tank will be sited adjacent to the Makaleha Tank. The new tank will be constructed of concrete, and will measure approximately 20 feet high and 74 feet in diameter. A 14-foot wide paved driveway will provide access to and around the new tank from Kahuna Road. A 55-foot long connecting line running from the existing tank via an existing control building and a new valve will supply water. A new 140-foot long connecting line to an existing 12-inch transmission line along Kahuna road will discharge water for distribution. This 12-inch transmission line is the main distribution and service line for the system.

A washout and overflow line from the new tank will connect with the existing washout and overflow line from Makaleha Tank. A perimeter drain line beneath the new tank's outside wall will connect with the drain line of Makaleha Tank. The outlet for these lines is located in a drainage easement roughly 120' southwest of the site.

A culvert and swales will handle surface water runoff. A six-foot high security fence will be erected along the perimeter of the site. Grass and groundcover will be planted after construction for erosion control and visual enhancement.

Exhibit 3 shows existing conditions on the site, and **Exhibit 4** shows the proposed developments.

SUMMARY OF COMMENTS:

The OCCL consulted the following persons and agencies:

Department of Land and Natural Resources (DLNR), Commission on Water Resource Management (CWRM, Kaua'i Land Division, Office of Historic Preservation, and Division of Forestry and Wildlife; Office of Hawaiian Affairs; Department of Hawaiian Homelands; and Kaua'i County Department of Planning.

The CDUA was also available for public review at the Lihu'e Regional Library, and a notice was published in the February 8, 2006 edition of the Office of Environmental Quality Control's *Environmental Notice*.

The following comments were received:

DLNR CWRM

CWRM recommends coordination with the Department of Water to incorporate this project into the county's Water Use and Development Plan. CWRM also notes that if the tank increases capacity it should be included in the county water use and development plan.

OCCL notes that the Department of Water itself is the applicant for this project.

DLNR Division of Forestry and Wildlife

No comments.

DLNR Land Division

No comments.

DLNR Office of Historic Preservation

The Office does not believe that any historic properties will be affected by this undertaking.

Department of Hawaiian Homelands

No comments

Office of Hawaiian Affairs

No comments

ANALYSIS:

Following review and acceptance for processing, the applicant was notified, by letter dated April 28, 2006 that:

1. The proposed use was an identified use within the Conservation District according to Hawaii Administrative Rules (HAR), §13-5-23 *Identified land uses in the protective subzone*, P-6 PUBLIC PURPOSE USES, (D-1) *Land uses undertaken by the State of Hawaii or the counties to fulfill a mandated governmental function, activity, or service for public benefit and in accordance with public policy and the purpose of the conservation district*. This use requires a permit from the Board of Land and Natural Resources (BLNR). The final decision as to whether to grant or deny the permit lies with the Board.
2. A public hearing pursuant to HAR §13-5-40 was not required.

3. Pursuant to HAR §13-5-31 *Permit applications*, the permit required that an environmental assessment be carried out. A Finding of No Significant Impact (FONSI) was submitted to the Office of Environmental Quality Control (OEQC) and published in the February 8, 2006 issue of the *Environmental Notice*.

SECTION 13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, Hawaii Administrative Rules (HAR).

1. *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Staff is of the opinion that the proposed action will not negatively impact the natural resources of the area.

2. *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

Pursuant to HAR §13-5-14, the objective of the Resource Subzone is to designate open space where specific conservation uses may not be defined, but where urban use may be premature.

The project is designed to accommodate a growing population makai of the subject parcel, in the urban and agriculture districts. It will not facilitate greater development or urbanization of the Conservation District.

3. *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

Staff notes that the proposed project is consistent with Chapter 205A.

4. *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff is of the opinion that the project will have little to no impact on the existing natural resources of the area.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Water tanks that are similar in design and size are common and necessary features of communities in Hawai'i. There is an existing water tank nearby, and staff is of the opinion that it is aesthetically better to place a new one in the same area rather than in a relatively untouched area. The proposed use is thus a visually and functionally appropriate use for the subject parcel.

6. *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff notes that the force main will have a minimal impact on open space.

7. *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The proposed action will not be materially detrimental to the public health, safety and welfare.

DISCUSSION:

The proposed use is an identified use within the Conservation District according to the Hawai'i Administrative Rules (HAR), §13-5-23, P-6 PUBLIC PURPOSE USES.

Narrow country roads, open space, shrub lands, steep mountains, and forests characterize the subject parcel, as well as the neighboring parcels. The parcel in question is a relatively flat and open space with no distinguishing geographic features.

The urban coastal zone and rural homesteads makai of the subject parcel are the most populated area in Kaua'i, and infrastructure development has not kept pace with growth. The proposed use is designed to both benefit the public good and minimize the impact on the environmental resources of the area. The new tank will utilize the same water source that the existing tanks use rather than develop new ones.

The existing tank is similar in size and appearance to other tanks in rural Hawaiian communities. Its use and appearance are thus consistent with the culture and the landscape. The tank will be a passive use, and there should be no impact on the neighboring community besides the original construction and occasional periods of repair and maintenance.

Staff is of the opinion that the proposed project will not adversely affect the land, resources, or community of Kapa'a. The proposal should actually benefit the community of Kapa'a by improving the water supply.

Staff therefore recommends;

RECOMMENDATION:

Based on the proceeding analysis, staff recommends that the Board of Land and Natural Resources APPROVE this application for both a water tank and associated site improvements at TMK (4) 4-6-03:10 in Kawaihau, Kaua'i, subject to the following conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawai'i Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control;"
- 3) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 4) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 5) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 6) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 7) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- 8) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
- 9) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the marine environment, off-site roadways, utilities, and public facilities;
- 10) The applicant will cease work if any significant archaeological ruins or human skeletal remains are uncovered during the work, and will then contact the DLNR State Historic Preservation Division;
- 11) The applicant shall provide documentation (e.g., book and page, or document number) that the permit approval has been placed in recordable form as a part of a deed instrument;
- 12) Other terms and conditions as may be prescribed by the Chairperson; and

- 13) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

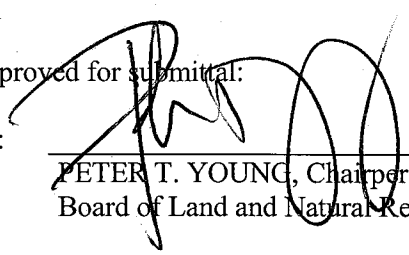
Respectfully submitted,



Michael Cain
Staff Planner

Approved for submittal:

By:



PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

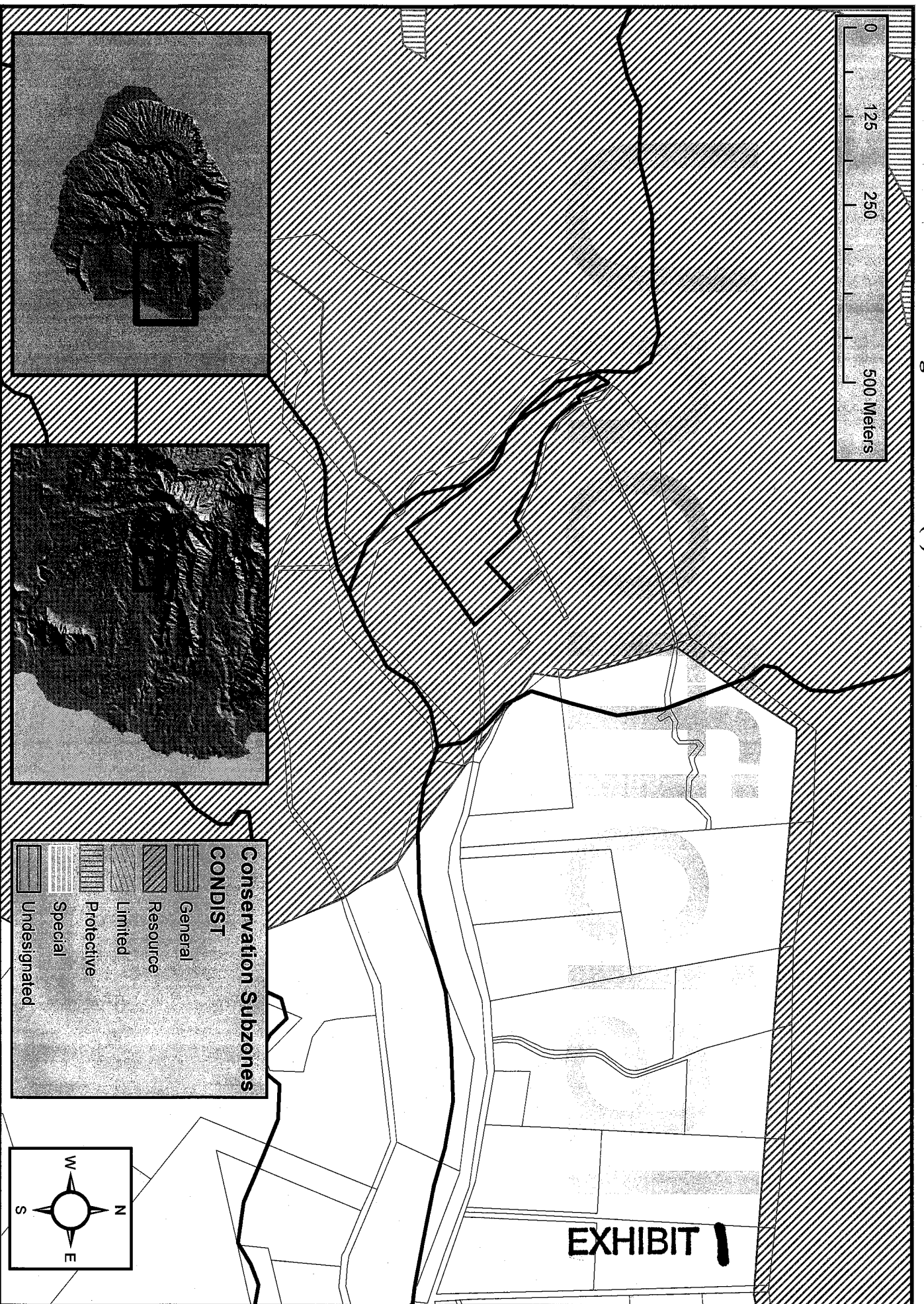


EXHIBIT 1

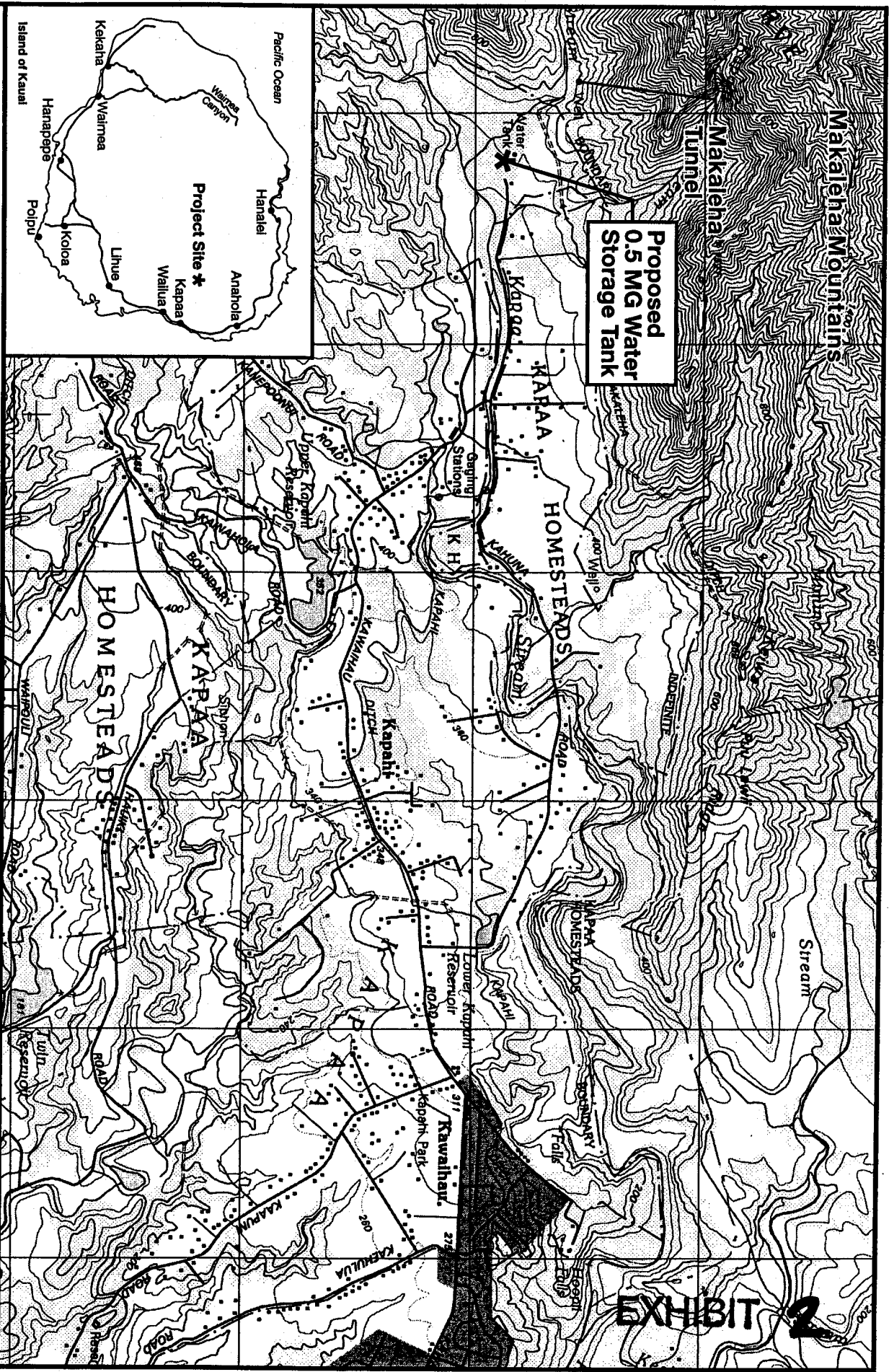
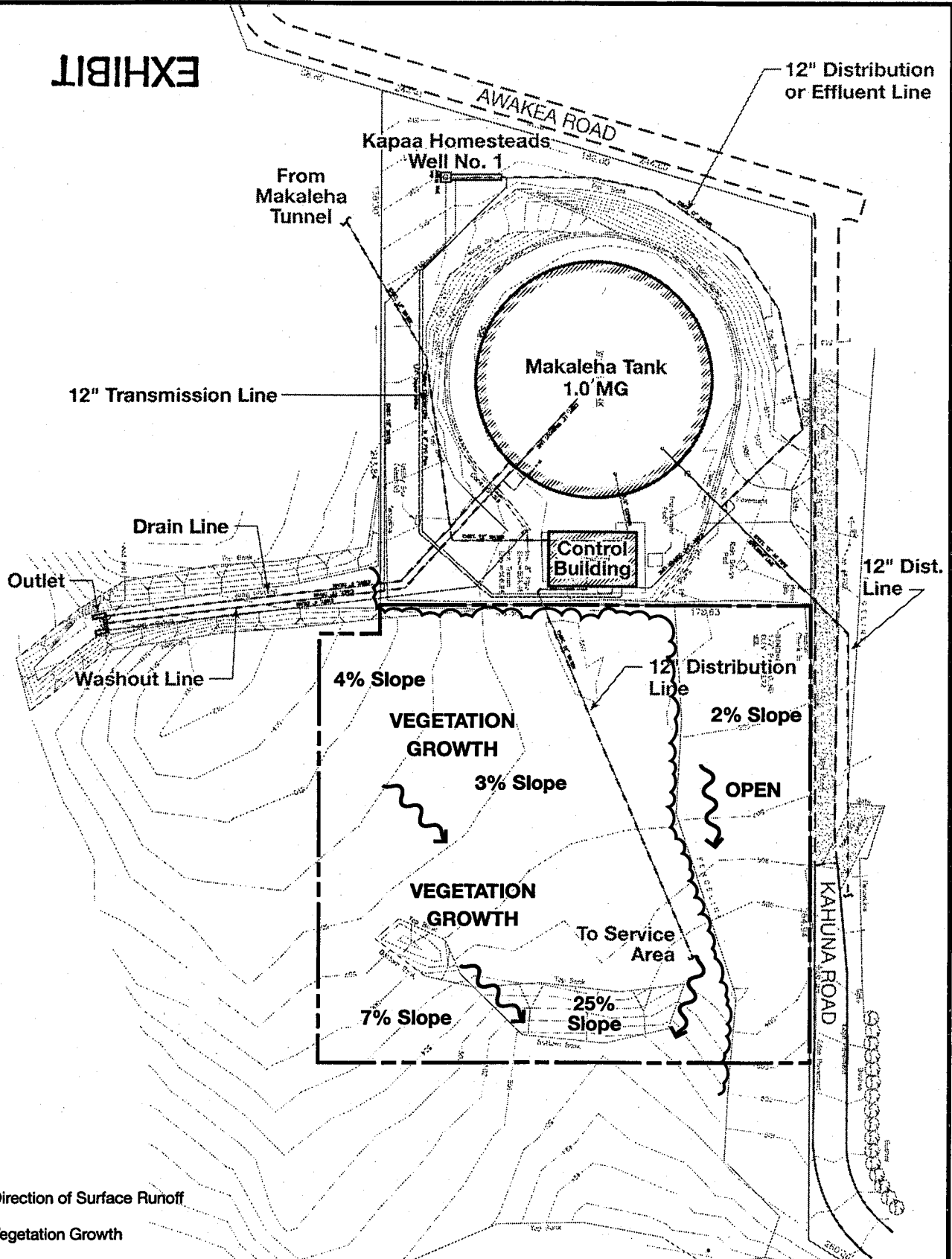


Figure 1 LOCATION MAP

**Kapaa Water Storage Facility
Belt Collins Hawaii
May 2006**

EXHIBIT



LEGEND

- Direction of Surface Runoff
- Vegetation Growth



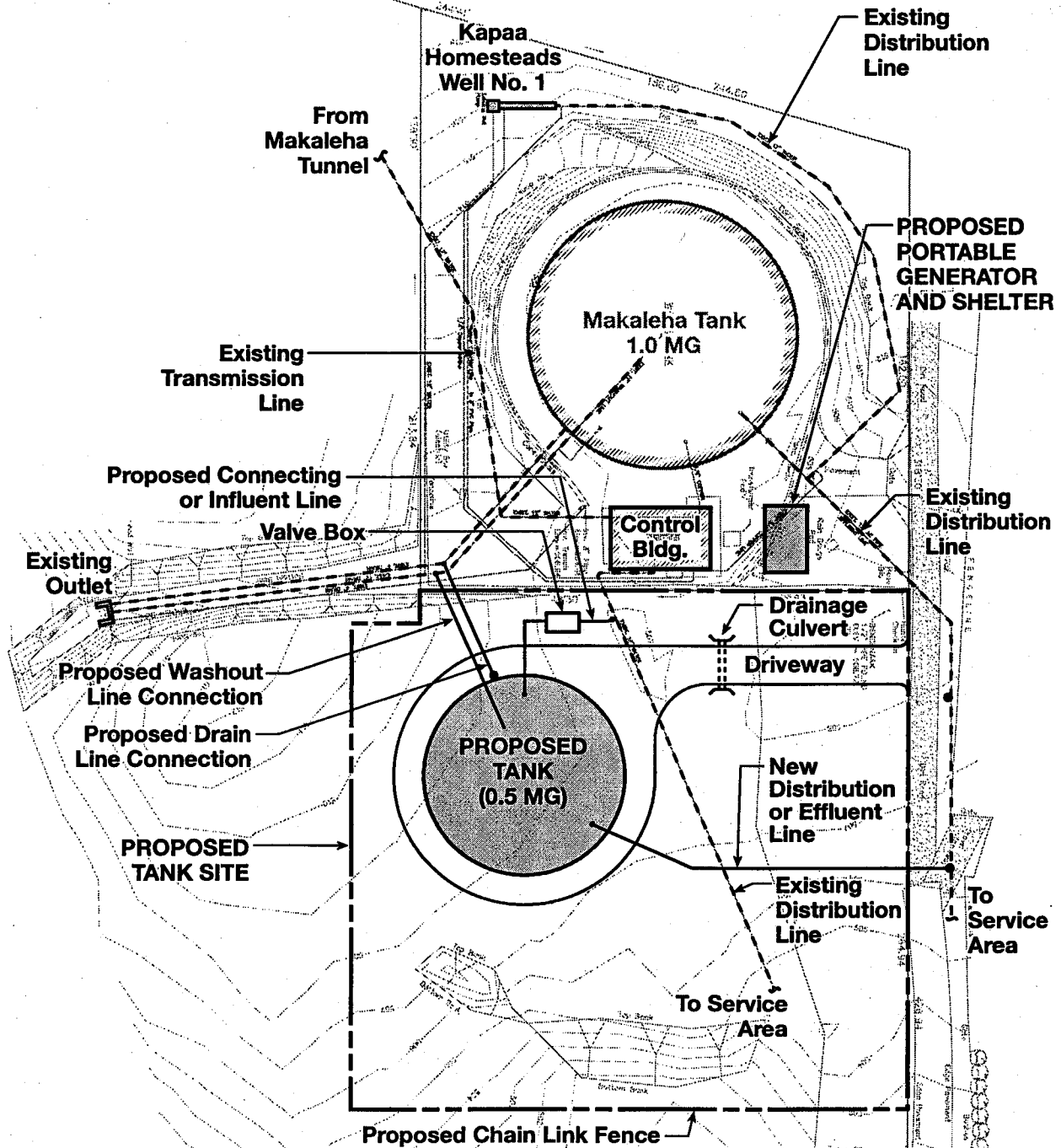
NORTH

0 30 60
SCALE IN FEET

EXHIBIT 3

Figure 7
EXISTING SITE CONDITIONS

Kapaa Water Storage Facility
Belt Collins Hawaii
May 2006



0 30 60
SCALE IN FEET

Figure 4
PROPOSED 0.5 MG STORAGE TANK
EXHIBIT 4 Kapaa Water Storage Facility
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